

TO: CITY MANAGER 1994 MAY 18

FROM: DIRECTOR OF PLANNING & BUILDING

SUBJECT: 7320 CURTIS STREET, BURNABY, B.C.
LOT 1, D.L. 135, GRP. 1, PLAN 16072

PURPOSE: To obtain Council authorization to declare the premises a nuisance and order its removal.

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RECOMMENDATIONS:

- 1) THAT Council declare the buildings located at the subject address a nuisance and order that they be removed by their owner within 30 days after the service of the order.
- 2) THAT Council order that:
 - (a) In the case of default by the owner to comply with the order within the period named in it, the City, by it's employees or others, may enter and carry out the demolition of the buildings and the removal of the related debris from the property at the expense of the owner; and
 - (b) In the case of default by the owner to comply with the order, the charges for carrying out the demolition of the buildings and removal of the related debris including all incidental expenses if unpaid on 1994 December 31, shall be added to and form part of the taxes payable on the subject land for real property as taxes in arrears.
- 3) THAT a copy of this report be provided to the registered owner of the property at the address provided from the Assessment Roll:

Ann Savicky
Box 6552 - Depot "C"
Victoria, B.C.
V8P 5N7
- 4) THAT a copy of this report be provided to all parties registered as having an interest in or charge against this property.

ITEM	7
MANAGER'S REPORT NO.	38
COUNCIL MEETING	94/06/20

REPORT

1.0 SUMMARY

All attempts to permanently board up and secure the vacant and abandoned buildings at 7320 Curtis Street have proven ineffective. The Engineering Department has boarded up the principal building twice, most recently after the Fire Department was called to put out a fire in the building.

Attempts to contact the owner who is listed as having a Box number in Victoria have resulted in no replies and the return of unclaimed mail.

Recognizing that the building remains a constant safety hazard for the community, it is recommended that Council act under the authority provided in Section 936 of the Municipal Act and order its removal.

2.0 BACKGROUND

The Fire Department has confirmed that the house at 7320 Curtis Street has been vacant since July of 1993 and has been used by unauthorized persons. Fire Department records confirm that the house has been the subject of numerous complaints in regards to it being vacant and open to trespass. The Fire Inspector directed the Engineering Department to board up the house in October of 1993 after all attempts to contact the owner had failed.

In the early morning of 1994 April 25, the Burnaby Fire Department attended a house fire at the subject address. The upper storey of the house was severely damaged in the fire. Once the fire was extinguished the Engineering Department was again directed to board up the principal building.

The Building Department's involvement was requested by the Fire Department after the recent fire. Building Department staff visited the site on 1994 April 26. Photographs are on file showing the vandalized nature of the house and the impact of the recent fire. Both the Fire and Building Departments conclude that the premises are beyond repair.

ITEM	7
MANAGER'S REPORT NO.	38
COUNCIL MEETING	94/06/20

The Building Department has tried to contact the owner directly to notify her of the property's condition and the need for immediate action. The only address for the owner on file in the City is a post office box number in Victoria that is no longer in service. Staff members for the City of Victoria have tried to help us locate the owner but have only been able to provide information regarding an associate of Ann Savicky living in Alberta. A management company in Victoria has agreed to forward correspondence to this associate with the purpose of having our unclaimed correspondence forwarded to Ann Savicky.

The previous costs of securing the building at 7320 Curtis Street together with taxes owing, were recently paid in the Tax Department. Tax Department staff have no record of who paid and were not given a new or forwarding address.

Having no other contact address, the Building Department sent a letter dated 1994 May 10 to the owner via registered and regular mail. The letter notified the owner of the events that have taken place and advises that a report is being prepared to have Council declare the property a nuisance and order its removal.

3.0 AUTHORITY

Section 936 of the Municipal Act states:

"936.

- (1) The Council may declare a building, structure or erection of any kind, or a ditch, watercourse, pond, surface water or other matter or thing, in or on private land or a highway, or in or about a building or structure, a nuisance, and may direct and order that it be removed, pulled down, filled up, or otherwise dealt with by its owner, agent lessee, or occupier, as the council may determine and within the time after service of the order that may be named in it.
- (2) Service of the order shall be effected by sending a copy by return registered mail to the owner of the land where the nuisance exists, and to all other persons whose names appear on the records of the land title office as having an interest in the land, and to the agent, if known, of the registered owner, and to any lessee and occupier of the land, the notice to be sent to the last known address of each interested person referred to in this subsection.

ITEM	7
MANAGER'S REPORT NO.	38
COUNCIL MEETING	94/06/20

- (3) The Council may further order that, in case of default by the owner, agent, lessee or occupier to comply with the order within the period named in it, the municipality, by it's employees and others, may enter and effect the removal, pulling down, filling up or other dealing at the expense of the person defaulting, and may further order that the charges for doing so, including all incidental expenses, if unpaid on December 31 in any year, shall be added to and form part of the taxes payable on that land or real property as taxes in arrear.
- (4) Where the nuisance so declared is a building, structure or erection, the council may, after the expiration of 60 days from date of the mailing of the notice to the owner under subsection (2) and after the expiration of the period named in the order, sell by auction, or public or private tender, or otherwise dispose of the building, structure or erection so ordered to be dealt with, or any part or material in it. From the proceeds of the sale or disposal, there shall be deducted for municipal use the actual costs, including incidental expenses, incurred by the municipality in carrying out the order, and the remainder of the proceeds shall be paid by the municipality to the owner or other person lawfully entitled.
- (5) This section applies to any building, structure or erection of any kind which the council believes is so dilapidated as to be offensive to the community."

4.0 CONCLUSION

The property at 7320 Curtis Street represents a potential threat to the safety of the community. While the principal building has been secured since the most recent fire, history has shown that further vandalism and trespass are inevitable. The site is overgrown and contains construction-related debris that could be dangerous to children and animals.

ITEM	7
MANAGER'S REPORT NO.	38
COUNCIL MEETING	94/06/20

All efforts to contact the owner and have her assume responsibility for the property have been unsuccessful. The City has had to board up the house on several occasions. Given the history of fire and vandalism, both the Fire and Building Departments feel that the only way to permanently secure the site is to demolish all buildings.

While the legal requirements to give notice to the owner will be met if the recommendations in this report are adopted, staff will continue to pursue all possible means to contact the owner.

Approval of the recommendation in this report will help protect the safety of the community.

Photographs are available in the Clerk's office.



D.G. STENSON, DIRECTOR
PLANNING AND BUILDING

DRC:drc

- cc. Chief Building Inspector
- City Solicitor
- Chief Fire Prevention Officer
- Director Finance

